HONOURABLE SRI JUSTICE J.CHELAMESWAR
And
HONOURABLE SRI JUSTICE D.APPARAO

TUESDAY, TWENTY SEVENTH DAY OF JUNE TWO THOUSAND SIX

WRIT PETITION No.7700 of 2006

Between:

E.Gangaram .. Petitioner

And

1. The Deputy Transport Commissioner, Nizamaabad and another.

. Respondents

***

ORDER: (Per Hon'ble Sri JC, J)**:**

This writ petition is filed with a prayer as follows:-

> "To declare the seizure and continued detention of petitioner's Tractor-L.M.V. (Non-Transport) bearing R.No.AP 25/T-2329 and unregistered Trailor bearing Chassis No.21/2005 seized under vehicle check report No.0378171, dated 23-02-2006 by the 2nd respondent as arbitrary, illegal, unjust, unconstitutional and without jurisdiction and consequently direct the respondents to forthwith release the petitioner's Tractor and unregistered Trailor."

2. The petitioner is a registered owner of the Tractor-L.M.V. (Non Transport) bearing R.No.AP 25/T-2329 and an unregistered trailor bearing chasis No.21/2005. They were seized by the 2nd respondent on 23-02-2006. The violations indicated in the proceedings dated 23-02-2006, read as follows:

> "1) RC not produced. Hence, no proof of tax for Q.E. 31-03-2006. 2) No proof permit. 3) No proof of F.C. 4) No proof of I.C. 5) No. proof of PUC Token 6) No proof of D.L.Unregistered Trailor.
>
> Hence, seized the vehicle under Section 8 of A.P.M.V.T.Act and under Section 207 of M.V.Act and kept at – P.S., Balkonda."

Challenging the same, the present writ petition is filed.

3. This Court while ordering Notice Before Admission on 20-04-2006, directed release of the vehicle on payment of the tax due pending enquiry. We do not see any reason to keep the writ petition pending for the reason that the respondents are entitled to take an appropriate decision in accordance with law, after the

conclusion of the enquiry. As per the interim order dated 20-04-2006, the amount of tax due is directed to be paid by the petitioner. Pursuant to the said interim order, the amount of tax, if any paid, the same shall be adjusted towards the arrears of tax, in the event, at the conclusion of enquiry, without prejudice to the authority of the respondents to recover from the petitioner, any further amount, if found due, in accordance with law. If the respondents find that any excess amount has been paid by the petitioner, the same shall be refunded to the petitioner.

4. Accordingly, the Writ Petition is disposed of with the aforementioned direction, at the admission stage. No costs.

(J.CHELAMESWAR,J)

(D.APPARAO, J)

June 27, 2006.
Kvr